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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINDA ARVISO, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SMARTPAY LEASING, INC.,

Defendant.

Case No. 3:15-cv-04087-TEH

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND BRIEFING
DEADLINES REGARDING
DEFENDANT SMARTPAY
LEASING, INC.'S MOTION TO
COMPEL ARBITRATION AND
STAY CASE**

1 Plaintiff Linda Arviso (“Plaintiff”) and Defendant Smartpay Leasing, Inc. (“Defendant”)
2 (collectively, the “Parties”), by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, the Amended Complaint which is the subject of this action was filed on
4 October 27, 2015 (ECF No. 10);

5 WHEREAS, on December 17, 2015, Defendant noticed a Subpoena to Produce
6 Documents, Information, or Objects or the Permit Inspection of Premises in a Civil Action on
7 Agua Water Plus concerning information related to Plaintiff;

8 WHEREAS, on December 22, 2015, the Court ordered that Defendant’s answer/response
9 to the Amended Complaint is due by December 28, 2015, that Plaintiff’s Opposition is due by
10 January 29, 2016, that Defendant’s Reply is due by February 10, 2016, and set a Motion Hearing
11 for February 29, 2016 at 10:00 a.m. (ECF No. 19);

12 WHEREAS, Defendant filed an Answer to Plaintiff’s Amended Complaint on December
13 28, 2015 (ECF No. 21);

14 WHEREAS, Defendant filed a Motion to Compel Arbitration and to Stay Case on
15 December 28, 2015 (ECF No. 25) and filed a Declaration of Alan Crystal in Support of Motion to
16 Compel Arbitration and to Stay Case on December 29, 2015 (ECF No. 26);

17 WHEREAS, on December 30, 2015, Plaintiff served Defendant via email with a Notice of
18 Deposition of Alan Crystal, scheduled for January 15, 2016;

19 WHEREAS, on January 5, 2016, Plaintiff served Defendant via email with Plaintiff’s First
20 Set of Requests for Production of Documents and Plaintiff’s First Set of Interrogatories;

21 WHEREAS, on January 14, 2016, Defendant notified Plaintiff that Defendant will not be
22 responding to Plaintiff’s January 5, 2016 discovery requests and will not be producing Alan
23 Crystal for his noticed deposition due to Defendant’s intention of bringing a motion to stay
24 discovery;

25 WHEREAS, on January 19, 2016, Defendant filed a Motion to Stay Discovery (ECF No.
26 30);

1 WHEREAS, Plaintiff's Opposition to Defendant's Motion to Stay Discovery is due by
2 February 2, 2016, Defendant's Reply is due by February 9, 2016, and the Motion Hearing is set for
3 February 29, 2016 at 10:00 a.m.;

4 WHEREAS, Plaintiff asserts that discovery is vital for Plaintiff to adequately respond to
5 Defendant's Motion to Compel Arbitration and to Stay Case and that Plaintiff would be prejudiced
6 by having to oppose Defendant's Motion to Compel Arbitration and to Stay Case without the
7 benefit of discovery and before the Court rules on Defendant's pending Motion to Stay Discovery.

8 NOW THEREFORE, the Parties hereby stipulate and request that Plaintiff's Opposition to
9 Defendant's Motion to Compel Arbitration and to Stay Case, Defendant's Reply in support of its
10 motion, and the hearing regarding Defendant's motion be taken off calendar until such time as the
11 Court rules on Defendant's pending Motion to Stay Discovery.

12
13 Dated: January 22, 2016

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14 By: /s/ Yeremey Krivoshey

15 Scott A. Bursor
16 L. Timothy Fisher
17 Annick M. Persinger
18 Yeremey Krivoshey

Attorneys for Plaintiff

19
20 Dated: January 26, 2016

BERMAN & RABIN, P.A.

21 By: /s/ Benjamin N. Hutnick

22 Benjamin N. Hutnick

Attorneys for Defendant

ATTESTATION AND CERTIFICATE OF SERVICE

I, Yeremey Krivoshey, am the ECF user whose identification and password are being used to file the Stipulation to Extend Briefing Deadlines Regarding Defendant Smartpay Leasing, Inc.'s Motion to Compel Arbitration and Stay Case. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel whose electronic signatures appear herein provided their authority and concurrence to file the stipulation.

Dated: January 26, 2016

BURSOR & FISHER, P.A

By: /s/ Yeremey Krivoshey

PURSUANT TO STIPULATION, IT IS SO ORDERED

